

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

APOTEX, INC., <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> CEPHALON, INC., <u>et al.</u> , <p style="text-align: center;">Defendants.</p>	CIVIL ACTION No. 2:06-cv-2768
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ORDER

AND NOW, this 23rd day of February, 2010, upon consideration of Defendant, Cephalon, Inc.'s, Motion to Dismiss (doc. nos. 157 & 197), Plaintiff's response in opposition, and for the reasons stated in the accompanying Memorandum, it is **ORDERED** that Defendant's Motion as to Counts III - V of Plaintiff's Second Amended Complaint is **DENIED**. Cephalon shall file an Answer to Counts I - V of Plaintiff's Second Amended Complaint on or before March 8, 2010.

BY THE COURT:

s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.